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SEC

SERVICE DATE - LATE RELEASE APRIL 16, 2002

SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND
MISSOURI PACIFIC RAILROAD COMPANY—CONTROL AND MERGER—SOUTHERN
PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION
COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP.,
AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

Decision No. 97

Decided: April 16, 2002

By petition (designated BNSF-98) filed December 21, 2001, The Burlington Northern and Santa Fe Railway Company (BNSF) seeks clarification respecting the adjustment of the fees applicable to the trackage rights that were awarded to BNSF in connection with the UP/SP merger.

In Decision No. 96 (served March 21, 2002), the Board ruled that, by April 22, 2002, BNSF must (and other interested parties may) show cause why the BNSF-98 petition should not be dismissed for failure to state a claim.

By letter filed April 15, 2002, BNSF, citing ongoing discovery efforts, asks that the show cause deadline be extended to May 22, 2002. BNSF indicates that Union Pacific Railroad Company (UP) does not object to the requested extension.

The request is reasonable, and will, therefore, be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline by which BNSF must, and by which other interested parties may, show cause why the Board should not dismiss the BNSF-98 petition for failure to state a claim is extended to May 22, 2002.

2. The deadline by which UP may file a reply to any pleading that purports to show cause why the Board should not dismiss the BNSF-98 petition for failure to state a claim is extended to June 19, 2002.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary